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- B- Memo authored by Deputy Leon.
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- E- Diagram drawn by Deputy Leon.

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Los Angeles County Sheriff's Department

Officer Involved Shooting

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Report Date: 08/31/09		Bureau/Station/Facility: Court Services Central		Admin. Invest? <input type="checkbox"/> Hit? <input type="checkbox"/>	
Incident Information					
URN: 09-044110		Date: July 4, 2009		Time: 0310 hours	
City or Station: Downey		Nature of Incident: See summary			
Location: [REDACTED]					
Location Type (circle one or more): Backyard Beach Business Freeway Industrial Park Parking Lot Residence Rural School <u>Street</u> Other: _____	Lighting (circle only one): Darkness Daylight Other <u>Street Lights</u>	Incident Type (circle one or more): Accidental <u>Armed Person</u> <u>Fleeing Suspect</u> Foot Pursuit Gun Take Away <u>Moving Vehicle</u> Sniper/Ambush Staircase Struggle Involved Traffic Stop Unarmed Person Unintentional Vehicle Pursuit Warrant Service Warning Shot Other: _____		Initiated by (circle only one): Arrest Warrant Call Observation One Person Unit <u>Other</u> Search Warrant Two Person Unit	
	Weather (circle only one): <u>Clear</u> Cloudy Fog Rain	Distance: Approx 5- 8 feet		Prior Activity (circle only one): Detective Inmate Transport <u>Other</u> Routine Patrol	
	Total # of Shots Fired by Deputy: 1	Total # of Shots Fired by Suspect: 0	Aero Unit? <input type="checkbox"/> Canine Unit? <input type="checkbox"/>		
	Employee Witnesses				
Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one): EM PM Day	ShiftType (circle only one): Regular Overtime Off Duty
Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one): EM PM Day	ShiftType (circle only one): Regular Overtime Off Duty
Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one): EM PM Day	ShiftType (circle only one): Regular Overtime Off Duty
Non-Employee Witnesses					
Last Name		First Name		M.I.	
Street Address		City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.	
Street Address		City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.	
Street Address		City	Zip Code	Work Ph	Home Ph
Supervisors					
Employee #	Last Name	First Name	M.I.	(circle one or more): On Duty Present during shooting Witness to shooting Involved in shooting	
Employee #	Last Name	First Name	M.I.	(circle one or more): On Duty Present during shooting Witness to shooting Involved in shooting	
Watch Sergeant					
Employee #	Last Name	First Name		M.I.	
Watch Commander					
Employee #	Last Name	First Name		M.I.	

PSTD Use Only

SH # _____

09-044110

Officer Involved Shooting

Rollout Information				
Arrival Date	Arrival Time	Date Submitted	Date of Recommendation	
07/04/09	0610 hrs			
Employee #	Last Name	First Name	M.I.	
	Grimaldi	Mike		J
Employee #	Last Name	First Name	M.I.	
	Bly	David		L
Employee #	Last Name	First Name	M.I.	
	Gealta	Diana		V
Shooting / Force Information				

Body Part Injured

(AD)	Abdomen
(AK)	Ankle
(AR)	Arm
(BK)	Back
(BT)	Buttocks
(CH)	Chest
(EL)	Elbow
(FA)	Face
(FE)	Feet
(FI)	Fingers
(GE)	Genitals
(GR)	Groin
(HD)	Hand
(HE)	Head
(HI)	Hip
(IN)	Internal
(KN)	Knees
(LE)	Leg
(NK)	Neck
(SH)	Shoulder
(WR)	Wrist

Caliber

(9) 9 mm	(24) .243 caliber	(41) .410 gauge
(10) 10 mm	(25) .25 caliber	(44) .44 caliber
(12) 12 gauge	(30) .308 caliber	(45) .45 caliber
(20) 20 gauge	(35) .357 caliber	(50) 50 mm
(21) 22-250	(38) 30-60 caliber	(SL) Slug
(22) 22 caliber	(39) .38 caliber	(WW) Other caliber
(23) 223 caliber	(40) .40 caliber	

[illegible]

Officer Involved Shooting Involved Employee Information

URN: 09-044110

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Involved Employee

E 1	Employee #	Last Name Leon	First Name Carlos	M.I.
	Sex: M Race: H	Rank Deputy Sheriff	Unit Assignment: Court Services Central	
	ShiftTime (circle only one): EM PM Day	ShiftType (circle only one): Regular Overtime Off Duty	Work Assignment (Unit #, Module, etc.):	
	Hospital Admission? <input type="checkbox"/>	Hospital Name:	Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:
	Hrs of sleep prior to shooting: 5.5	Duty Time (hrs):	Coroner Case? <input type="checkbox"/>	Coroner Case #
	Age: 504 Height: 150 Weight: 150	Clothing (circle only one): Plain Clothes no Vest <input checked="" type="checkbox"/> Plain Clothes w/ Vest <input type="checkbox"/> Raid Jacket no Vest <input type="checkbox"/> Raid Jacket w/ Vest <input type="checkbox"/> Uniform no Vest <input type="checkbox"/> Uniform w/ Vest <input type="checkbox"/>	Other Factors:	
	Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
	Certified with Weapon Used? <input type="checkbox"/>	Patrol Certification? <input type="checkbox"/>	Certification Unit:	Prior Shootings? <input type="checkbox"/> Number of Prior Shootings: <input type="checkbox"/> Directed Force: <input type="checkbox"/>
	Weapons Fired Brand: Berretta	Caliber: 9mm # Shots: 1	Weapons Fired Brand:	Caliber: # Shots:
	Field Training Officer Emp #	Last Name	First Name	M.I.
	Field Training Officer Emp #	Last Name	First Name	M.I.

E	Employee #	Last Name	First Name	M.I.
	Sex: Race:	Rank	Unit Assignment:	
	ShiftTime (circle only one): EM PM Day	ShiftType (circle only one): Regular Overtime Off Duty	Work Assignment (Unit #, Module, etc.):	
	Hospital Admission? <input type="checkbox"/>	Hospital Name:	Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:
	Hrs of sleep prior to shooting:	Duty Time (hrs):	Coroner Case? <input type="checkbox"/>	Coroner Case #
	Age: Height: Weight:	Clothing (circle only one): Plain Clothes no Vest <input type="checkbox"/> Plain Clothes w/ Vest <input type="checkbox"/> Raid Jacket no Vest <input type="checkbox"/> Raid Jacket w/ Vest <input type="checkbox"/> Uniform no Vest <input type="checkbox"/> Uniform w/ Vest <input type="checkbox"/>	Other Factors:	
	Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
	Certified with Weapon Used? <input type="checkbox"/>	Patrol Certification? <input type="checkbox"/>	Certification Unit:	Prior Shootings? <input type="checkbox"/> Number of Prior Shootings: <input type="checkbox"/> Directed Force: <input type="checkbox"/>
	Weapons Fired Brand:	Caliber: # Shots:	Weapons Fired Brand:	Caliber: # Shots:
	Field Training Officer Emp #	Last Name	First Name	M.I.
	Field Training Officer Emp #	Last Name	First Name	M.I.

E	Employee #	Last Name	First Name	M.I.
	Sex: Race:	Rank	Unit Assignment:	
	ShiftTime (circle only one): EM PM Day	ShiftType (circle only one): Regular Overtime Off Duty	Work Assignment (Unit #, Module, etc.):	
	Hospital Admission? <input type="checkbox"/>	Hospital Name:	Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:
	Hrs of sleep prior to shooting:	Duty Time (hrs):	Coroner Case? <input type="checkbox"/>	Coroner Case #
	Age: Height: Weight:	Clothing (circle only one): Plain Clothes no Vest <input type="checkbox"/> Plain Clothes w/ Vest <input type="checkbox"/> Raid Jacket no Vest <input type="checkbox"/> Raid Jacket w/ Vest <input type="checkbox"/> Uniform no Vest <input type="checkbox"/> Uniform w/ Vest <input type="checkbox"/>	Other Factors:	
	Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
	Certified with Weapon Used? <input type="checkbox"/>	Patrol Certification? <input type="checkbox"/>	Certification Unit:	Prior Shootings? <input type="checkbox"/> Number of Prior Shootings: <input type="checkbox"/> Directed Force: <input type="checkbox"/>
	Weapons Fired Brand:	Caliber: # Shots:	Weapons Fired Brand:	Caliber: # Shots:
	Field Training Officer Emp #	Last Name	First Name	M.I.
	Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting Suspect Information

URN: 09-044110

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Suspect Information

S 1	Last Name Unknown		First Name		M.I.
	AKA Last Name		First Name		M.I.
Sex:		Race:	Street Address:		City State & Zip Code:
Work Phone:		Home Phone:	Social Security #:	Driver's License #:	
Age: 22-28 D.O.B.		Height: 504	Weight: 200-250	FBI #	CII #
Booking #		Primary Charge:		Secondary Charge:	
Coroner Case? <input type="checkbox"/>		Coroner Case #		Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:
Armed? <input type="checkbox"/>		Apprehended? <input type="checkbox"/>		Mental Illness? <input type="checkbox"/>	Criminal History? <input type="checkbox"/>
Vehicle Make		Model:		Year:	
		Nissan		4-door	
S 2	Last Name Unknown		First Name		M.I.
	AKA Last Name		First Name		M.I.
Sex:		Race:	Street Address:		City State & Zip Code:
Work Phone:		Home Phone:	Social Security #:	Driver's License #:	
Age: Unk D.O.B.		Height: 504	Weight: 160-170	FBI #	CII #
Booking #		Primary Charge:		Secondary Charge:	
Coroner Case? <input type="checkbox"/>		Coroner Case #		Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:
Armed? <input type="checkbox"/>		Apprehended? <input type="checkbox"/>		Mental Illness? <input type="checkbox"/>	Criminal History? <input type="checkbox"/>
Vehicle Make		Model:		Year:	
		Nissan		4-door	
S	Last Name		First Name		M.I.
	AKA Last Name		First Name		M.I.
Sex:		Race:	Street Address:		City State & Zip Code:
Work Phone:		Home Phone:	Social Security #:	Driver's License #:	
Age: D.O.B.		Height:	Weight:	FBI #	CII #
Booking #		Primary Charge:		Secondary Charge:	
Coroner Case? <input type="checkbox"/>		Coroner Case #		Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:
Armed? <input type="checkbox"/>		Apprehended? <input type="checkbox"/>		Mental Illness? <input type="checkbox"/>	Criminal History? <input type="checkbox"/>
Vehicle Make		Model:		Year:	
S	Last Name		First Name		M.I.
	AKA Last Name		First Name		M.I.
Sex:		Race:	Street Address:		City State & Zip Code:
Work Phone:		Home Phone:	Social Security #:	Driver's License #:	
Age: D.O.B.		Height:	Weight:	FBI #	CII #
Booking #		Primary Charge:		Secondary Charge:	
Coroner Case? <input type="checkbox"/>		Coroner Case #		Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:
Armed? <input type="checkbox"/>		Apprehended? <input type="checkbox"/>		Mental Illness? <input type="checkbox"/>	Criminal History? <input type="checkbox"/>
Vehicle Make		Model:		Year:	

INVESTIGATIVE SUMMARY

DEPUTY INVOLVED SHOOTING: NON HIT

SH# 2246247

Downey Police Department File Number: 09044110

DATE / TIME / LOCATIONS

Saturday, July 4, 2009

0310 hours

On July 4, 2009, at approximately 0310 hours Court Services Central Deputy Carlos Leon was involved in an off duty non-hit shooting at [REDACTED] in the city of [REDACTED]

Deputy Leon was sleeping and was awakened by the sound of a vehicle door. He looked out of his bedroom window and saw a male inside of his 2007 GMC Yukon, (California license plate [REDACTED]) which was parked against the south curb line in front of his residence ([REDACTED]).

Deputy Leon immediately retrieved his firearm and went outside. He identified himself by saying "Sheriff's Department, Sheriff's Department, Sheriff's Department" as he pointed his firearm at the suspect. The suspect exited Deputy Leon's vehicle and entered a four-door red Nissan via the front passenger door. The Nissan was stopped next to the Yukon on Allengrove Street and not visible to Deputy Leon until he was outside.

Once inside the Nissan, the suspect turned to face Deputy Leon with both hands extended and pointing an unknown dark object at Deputy Leon through the open window of the closed door. Believing the dark object was a firearm and fearing for his life, Deputy Leon fired one round at the suspect. The vehicle accelerated and continued eastbound on Allengrove Street then turned southbound onto Tweedy Lane and out of view. Deputy Leon believed he had struck the door post between the front and rear passenger side doors.

IAB Note: The firearm Deputy Leon utilized during the incident is his Departmentally issued Beretta 9mm semi-automatic firearm (serial #BER [REDACTED])

Deputy Leon immediately called the Downey Police Department and advised that someone had broken into his vehicle. He also advised he had been involved in a shooting.

IAB Note: Recording of Deputy Leon's phone call to Downey Police Department is included in this report, see Exhibit C.

Downey Police Officer responded to the location and conducted an investigation. The suspects were not located. The neighborhood was canvassed for possible witnesses but that was met with negative results. Officer [REDACTED] # [REDACTED] assumed the handle and initiated an incident report. Forensics Specialist [REDACTED] # [REDACTED] responded to the scene to photograph the location and collect evidence. Deputy Leon subsequently documented his actions in a memo.

IAB Note: A copy of the Incident Report, photographs and memo are included in this report, see Exhibits A, B and D.

Internal Affairs Bureau Lieutenant Mike Grimaldi was notified, and Sergeants Diana Gealta and David Bly responded to conduct an administrative review of the incident. The following review is based on written documentation, interviews of witnesses, involved deputy and Downey Police Department personnel.

INVOLVED PERSONNEL

Leon, Carlos, Deputy # [REDACTED] M/H/[REDACTED] 5-04 160 Right Handed
Court Services Bureau Central - Metro Court

Date of Employment: 05-21-2007
Date Assigned to Patrol: [REDACTED]
Date Completed Patrol Training: [REDACTED]
Prior Shooting Incidents: [REDACTED]
Prior Founded Force Incidents: [REDACTED]

SUSPECTS

Unknown. Male Hispanic, 22-26 years of age.
Unknown. Male Hispanic, Unknown age.

EMPLOYEE WITNESSES

None

NON-EMPLOYEE WITNESSES

[REDACTED] FH/39 [REDACTED]
[REDACTED] FH/13 [REDACTED]

INJURIES

Suspects: Unknown

DEPUTY PERSONNEL:

None

PHYSICAL EVIDENCE

One 9mm casing on the ground was located at the scene of the incident. Damage to the driver's side front door handle of Deputy Leon's White GMC Yukon, CA license# [REDACTED]. The casing was collected by Downey Police Department and booked into evidence.

IAB Note: Photographs of the scene and damage to the vehicle are included in this report, see Exhibit D.

DISTANCE

Approximately five to eight feet.

INVESTIGATOR OBSERVATIONS

The location of the shooting was on Allengrove Street, just [REDACTED] of [REDACTED] Avenue. Deputy Leon was standing on the south sidewalk when the incident occurred. There are several [REDACTED] between the sidewalk and the street which are approximately 3 feet tall.

Allengrove Street is a residential road with an asphaltic surface, it has raised curb lines on both sides. There were vehicles parked along the south curb line of Allengrove Street. There were no vehicles parked along the north curb line. The suspect's vehicle was traveling eastbound on Allengrove Street when the incident occurred. There are homes on both sides of the street.

There is a street light positioned on Allengrove Street just east of where Deputy Leon was standing when he shot at the suspect. The street light provided ambient lighting on the street and sidewalk.

IAB Note: An Aerial Photograph is included in this report, see Exhibit D.

Internal Affairs Sergeants Gealta and Bly observed pry marks to the driver's side door handle of Deputy Leon's vehicle.

IAB Note: Photographs of scene and vehicle are included in this report, see Exhibit D.

REVIEW OF 911 CALL

The Internal Affairs Investigator reviewed the 911 telephone call made by Deputy Leon to Downey Police Department.

On the 911 recording, Deputy Leon is heard telling the 911 operator that he is a deputy and requested someone to respond to his home. He stated there were two suspects who opened his truck. He told the dispatcher that the suspects fled when he tried to detain them. He described the suspects and their direction of travel as they were leaving.

The dispatcher asked Deputy Leon if there were any weapons. He stated it appeared as if the suspects were aiming something at him. He told the dispatcher he fired one round and he did not believe he injured the suspects.

IAB Note: Recording of Deputy Leon's 911 telephone call is included in this report, see Exhibit C.

LIGHTING AND WEATHER CONDITIONS

It was still dark when the incident occurred (0310 hours). There was ambient lighting from a city street light on Allengrove Street which illuminated the location.

WEAPONS USED BY DEPUTY PERSONNEL

Deputy Leon:

Service Weapon Type:

Beretta, 92F (Serial number BER [REDACTED])
Double Action Semiautomatic Pistol, 9mm
Luger

Rounds Fired:

One

Type of Ammunition Used:

Luger, 9mm

Date Employee Last Qualified:

WEAPONS USED BY SUSPECT

Unknown

PROPERTY DAMAGE

Pry marks on Deputy Leon's GMC Yukon's driver's side door handle caused by the suspect.

CRIMINAL INVESTIGATOR/CHARGES FILED

Investigator: Detective [REDACTED] - Downey Police Department

Charges: None

IAB Note: Due to no further workable information the case status is inactive pending.

INVOLVED EMPLOYEE STATEMENTS

Involved Deputy Carlos Leon was interviewed at his residence by Sergeants Diana Gealta and David Bly, on July 4, 2009 at 0632 hours. Deputy Leon chose to be interviewed without representation. He was re-interviewed on September 17, 2009 at Internal Affairs Bureau by Sergeants Diana Gealta and David Bly. He was represented by Derald Brenneman of Green and Shinee. Both interviews were audio-recorded.

Deputy Leon stated at approximately 0300 hours he was awoken by the sound of a vehicle door. He looked out of his bedroom window and saw someone was inside his vehicle. He immediately retrieved his duty weapon and went outside.

Deputy Leon stood on the sidewalk approximately four to five feet away from his vehicle. He identified himself by stating, "Sheriff's Department" three times as he pointed his firearm at the suspect who was in the vehicle. The suspect jumped out of Deputy Leon's vehicle and into a four-door red Nissan via the passenger's side front door and the vehicle started to pull away. Deputy Leon saw lights on the street next to his vehicle from his bedroom window; however, he was not aware that the Nissan was stopped next to his vehicle until he went outside.

Deputy Leon saw the suspect in the front passenger's seat, extend both his arms out of the window and point something directly at him, Deputy Leon said he was aware he did not have his vest on and was in fear. Deputy Leon fired one round from his duty weapon. The suspect's vehicle was moving and Deputy Leon stated he believed the round struck the vehicle in the pillar between the front passenger side door and the rear passenger side door. The suspects fled eastbound and turned south onto Tweedy Lane and out of view.

IAB Note: An examination of Deputy Leon's firearm indicated there was one live 9mm Luger caliber cartridge in the chamber and fourteen live 9mm Luger caliber cartridges in the magazine. The firearm along with the magazine and cartridges were submitted to the crime lab for examination.

See Scientific Services Bureau Firearms Identification
Report in Miscellaneous Documents.

Deputy Leon stated he was aware of his backdrop, he stated there were no vehicles on the other side of the street. There was a house which was in the line of fire, behind the suspect's vehicle; however, he was aiming and shot at the suspect who was pointing something at him. That suspect was seated in the front seat on the passengers side of the Nissan. Deputy Leon believed that he struck the "B panel" which is the pillar between the front and rear door of the vehicle.

Deputy Leon immediately returned into his home and called Downey Police Department to report the incident.

IAB Note: The memo authored by Deputy Leon indicated that he saw the barrel of a gun pointing in his direction, see Exhibit B. On July 4, 2009 Deputy Leon did not tell investigators he saw the barrel of a gun.

Deputy Leon was re-interviewed by Sergeants Diana Gealta and David Bly on September 17, 2009. Deputy Leon explained that he did not originally describe what he had seen as firearm because he only saw a barrel pointing at him, not the entire weapon. Deputy Leon reiterated that he discharged his weapon because he was in fear for his life.

IAB Note: Photographs of the scene and evidence are included in this report, see Exhibits D. Deputy Leon provided a sketch of the scene in which he used to diagram the position of the vehicle and his position at the time of the incident, see Exhibit E. A recording of Deputy Leon's phone call to Downey Police Department is also included, see Exhibit C. Deputy Leon documented his observations and actions on a memo. A copy of that memo is included in this report, see Exhibit B.

Deputy Leon stated the firearm he utilized during the incident is his departmentally issued duty weapon.

IAB Note: An examination of Deputy Leon's training records confirm he qualified with the firearm on [REDACTED]

Refer to Deputy Leon's interview transcript for further details.

CIVILIAN WITNESSES

Witness [REDACTED] is a thirty-nine year old female. Witness [REDACTED] is the [REDACTED] of Deputy Carlos Leon. She was interviewed by Internal Affairs Bureau Sergeants Diana Gealta and David Bly on July 4, 2009, at 0708 hours. The interview was conducted at the Deputy Leon's home, and was audio recorded.

Witness [REDACTED] said she saw Deputy Leon looking through the bedroom window. She asked him what was happening and he did not tell her. Deputy Leon left the room and Witness [REDACTED] looked through the bedroom window and saw a suspect inside of Deputy Leon's vehicle. She told Deputy Leon someone was in his vehicle.

Witness [REDACTED] went to check on the [REDACTED] who were inside of the house. Once she checked on the [REDACTED] she went to the front door, she could not see the suspect or Deputy Leon from where she was standing. She heard one gun shot then she heard a car accelerate and leave the location.

Witness [REDACTED] went outside to make sure Deputy Leon was okay. Witness [REDACTED] said she did not call 911 because she froze. She did not see or hear anything further.

Witness [REDACTED] is a thirteen year old female. Witness [REDACTED] is the [REDACTED] of Deputy Carlos Leon. She was interviewed by Internal Affairs Bureau Sergeant Diana Gealta on September 25, 2009 at 0703 hours. The interview was audio recorded.

Witness [REDACTED] said she heard mumbling noises but could not understand what was said. Then she heard screeching followed by a big pop. She looked out her window and saw the taillights of a car. Witness [REDACTED] thought that someone was in a hurry. She believed the pop was a firework. Witness [REDACTED] said she did not see her [REDACTED] (Deputy Leon) outside. She did not see or hear anything further.

IAB Note: There were three other [REDACTED] in the home at the time of the incident: [REDACTED] FH/11, [REDACTED] MH/13 and [REDACTED] FH/18 who were all asleep at the time of the incident.

SUSPECT'S STATEMENTS

N/A